

REMARKS

Claims 1, 5-16, 18 and 21-38 have been amended, claims 39-44 have been cancelled without prejudice, and claims 45-48 have been added. No new matter has been added by virtue of the amendments. For instance, support for the amendments appears e.g. at page 4, lines 13-14, page 5, lines 10-16 and the original claims of the application.

It is believed the amendments made herein obviate the Rule 75 formal-type (i.e. non-substantive) objection.

Claims 1, 5, 18, 39, 41 and 42 were rejected under 35 U.S.C. 102 over JP 10-301268.

While Applicants disagree with the rejection, it is also believed the rejection has been obviated.

Claims 1 and 18 (the only pending independent claims) call for an antireflective composition comprising a basic material, a crosslinker and a resin.

Such compositions are not disclosed in JP 10-301268. Among other things, JP 10-301268 does not disclose antireflective compositions that comprise resin and crosslinker components.

Accordingly, the rejection is properly withdrawn. See, for instance, *In re Marshall*, 198 USPQ at 346 ("[r]ejections under 35 U.S.C. 102 are proper only when the claimed subject matter is identically disclosed or described in the prior art.").

Claims 1, 5, 18-20 and 39-42 were rejected under 35 U.S.C. 102 over Sinta (U.S. Patent 5866102). The rejection is traversed.

As mentioned above, Applicants' independent claims 1 and 18 (the only pending independent claims) call for an antireflective composition comprising a basic material, a crosslinker and a resin.

Such compositions are not disclosed in Sinta. The cited Sinta patent does not disclose antireflective compositions having such components of a basic material, a crosslinker and a resin.

In view thereof, reconsideration and withdrawal of the rejection are requested.

Claims 2-4 and 21-23 were rejected under 35 U.S.C. 103 over JP 10-301268 and further in view of Hatakeyama (U.S. Patent 5985512). At page 4 of the Office Action, it is acknowledged that:

JP 10-301268 only gives a single example of a basic compound and does not disclose using a basic material having a pKa of about 3 or greater, a pKa of about 6 or greater or a pKa of about 9 or greater....

Nevertheless, at page 5 of the Office Action, the position is taken that Hatakeyama discloses use of basic compounds in photoresist compositions and it would have been obvious to insert such a photoresist additive of Hatakeyama into an underlying antireflective composition of JP 10-301268.

The rejection is traversed.

The addition of Hatakeyama fails to remedy the above noted shortcomings of JP 10-301268. Thus, the cited combination does not suggest use of an antireflective composition comprising a basic material, a crosslinker and a resin.

Additionally, contrary to the premise of the instant rejection, no particular incentive would have existed to select a particular component of a photoresist composition and insert that selected component into an underlying antireflective composition.

Indeed, the purposes and uses of typical photoresists and underlying antireflective compositions are quite distinct. For instance, photoresist are photoimageable and antireflective composition typically are not. The issues sought to be addressed in Hatakeyama are issues associated with photoresists, not underlying antireflective compositions. See, for instance, Hatakeyama at column 1, lines 36-56.

Still further, while Applicants fully believe that a *prima facie* case under 35 U.S.C., 103 is not presented by the cited documents, it is also submitted that the extensive comparative data of record fully rebuts any *prima facie* case that may be contended to exist.

In this regard, attention is directed to the results at Table II on pages 30-31 of the application, where the antireflective compositions that contained a basic additive (i.e. Antireflective Compositions of Examples 2-4) provided enhanced results relative to the antireflective compositions that did not contain such basic additive (i.e. the Antireflective Compositions of Comparative Examples 1-5).

In view thereof, reconsideration and withdrawal of the rejection are requested.

It is believed the application is in condition for immediate allowance, which action is earnestly solicited.

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